

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UMAR HARVEY,

Plaintiff,

-against-

CAPTAIN MELVILLE, *et al.*,

Defendants.

USDC SDNY
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18-cv-7043 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge

Plaintiff Umar Harvey (“Plaintiff”), proceeding *pro se*, commenced the instant action on July 30, 2018, asserting claims under 42 U.S.C. § 1983 against Defendants Captain Melville, Albert Prack, and Anthony Annucci (collectively “Defendants”). (ECF No. 1.) On August 31, 2020, this Court issued an Opinion and Order granting Defendants motion to dismiss (the “August Order”). (ECF No. 28.) As is relevant here, the Court dismissed all claims in their entirety without prejudice.

The Court gave Plaintiff 45 days from the date of the August Order (October 16, 2020) to file an amended complaint as to those claims dismissed without prejudice. (*Id.*) The Court warned Plaintiff, however, that if he did not timely file an amended complaint, all claims dismissed pursuant to the August Order may be dismissed with prejudice. (*Id.*) Plaintiff did not file an Amended Complaint and, on February 24, 2021, by Memorandum Endorsement, the Court granted Plaintiff “**one final opportunity** to comply with this Court’s direction” by filing “**an amended complaint on or before April 9, 2021.**” (ECF No. 30 (emphasis in original).) The Court further warned Plaintiff that if he “fails to file an amended complaint after receiving this additional

opportunity, the Court will be inclined to conclude that pro se Plaintiff wishes to abandon this litigation and may dismiss the action with prejudice.” (*Id.*)

To date, over one-year after the issuance of the August Order, and after repeated warnings that his action would be dismissed with prejudice if he failed to file an amended complaint, Plaintiff has still not filed an amended complaint. Accordingly, Plaintiff’s claims that were dismissed by the August Order are now dismissed with prejudice.

In light of the foregoing reasons, the Clerk of Court is directed to terminate this action. The Clerk is further directed to mail a copy of this order to Plaintiff at the address listed on ECF and to file proof of service on the docket.

Dated: October 5, 2021
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge